



**Schulman, Lopez,  
Hoffer & Adelstein<sub>LLP</sub>**

1100 POYDRAS ST., SUITE 2900  
NEW ORLEANS, LOUISIANA 70136  
TELEPHONE: (504) 799-2211 FACSIMILE: (210) 538-5384  
WWW.SLH-LAW.COM & WWW.K12LAW.COM

MICHAEL P. HIGGINS  
MHIGGINS@SLH-LAW.COM  
OF COUNSEL

*ATTORNEYS AND COUNSELORS FOR TEXAS PUBLIC SCHOOLS AND LOCAL GOVERNMENT*

March 21, 2016

*Via CMRRR #7015 1730 0000 5019 4409*

LOUISIANA ETHICS ADMINISTRATION PROGRAM  
P.O. Box 4368  
Baton Rouge, Louisiana 70821

**RE: Request for Opinion**

Dear Sir or Madam:

We represent Bricolage Academy, a Type 1 charter school authorized by the Orleans Parish School Board. We are writing to request an opinion on whether the school may proceed with hiring a specific individual, and if so, the appropriate method of approving such hire.

**Factual Background**

Bricolage Academy is interested in hiring Erin Densen to work in a teaching position for the 2016-17 school year, beginning in July, 2016. Mrs. Densen is the spouse of Josh Densen, the Executive Director of Bricolage. Mrs. Densen is currently certified by the State of Louisiana to serve as a classroom teacher, and her primary job duty, were she to be hired, would be instructional delivery as a classroom teacher. Mrs. Densen has volunteered at the school extensively throughout its three years of operation; at no point has she requested or been promised compensation for this voluntary service.

Mrs. Densen, if hired, would report to the Lower School Director, who would have managerial and supervisory authority over her, and who has the responsibility of making all decisions in relation to employing and terminating the employment of the school's teachers. The Lower School Director reports directly to Mr. Densen. Mr. Densen reports to the Bricolage Academy governing board.

Mrs. Densen, if hired, would be compensated according to the standardized teacher salary scale by which all teachers at the school are compensated. Mr. Densen created the

*Schulman, Lopez, Hoffer & Adelstein LLP—Trusted advisers and advocates for Texas independent school districts, charter schools and local governments offering accessible, responsive legal representation to our clients.*

2016 MAR 28 AM 9:05

RECEIVED



3L  
/6

current teacher salary scale prior to the current (2015-16) academic school year. The school's governing board intends to adopt a new standardized teacher salary scale for the upcoming school year.

### **Request for Opinion**

Based upon the Louisiana Board of Ethics advisory opinion of Dec. 20, 2010 to attorney Frank Endom, regarding the application of La.R.S. §42:1119 to charter schools, we believe that the proposed arrangement would be permissible, but would like additional confirmation for the particular facts at issue.

We note, also, that it appears unclear in the law as to *who* may make the decision to hire Mrs. Densen. The Lower School Director typically makes such hires, but this individual reports directly to Mr. Densen. The governing board of Bricolage Academy typically does not involve itself in hiring decisions, other than those related to the Executive Director. Nevertheless, the Ethics code provides that the "*local school board may employ any member of the immediate family*" of the school leader. La. Rev. Stat. 17:1119(B)(2)(a)(i). Must the board itself vote to extend an offer to Mrs. Densen, or may the Lower School Director extend an employment offer without board involvement?


### **Conclusion**

In conclusion, the proposed employment of Mrs. Densen at Bricolage is legally acceptable, provided the necessary safeguards outlined above are implemented. The school itself faces little risk in the proposed employment, and should feel confident in moving forward with Mrs. Densen's employment from a legal standpoint.

Should you have any questions or concerns, please do not hesitate to contact me.

Cordially,

**SCHULMAN, LOPEZ,  
HOFFER & ADELSTEIN, LLP**

  
Michael Higgins